

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI  
STATE OF MISSOURI

YVETTE BURKE, and ,  
DANNY CRUMP,

Plaintiffs,

vs.

Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

WAL-MART STORES EAST, INC  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

WAL-MART STORES EAST I, LP  
f/k/a WAL-MART STORES, INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

and

WALMART INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Defendants.

## **PETITION FOR PERSONAL INJURY**

COME now the Plaintiffs and for their claim against defendant state:

1. Plaintiffs are residents of Jackson County, Missouri.
2. Plaintiffs Yvette Burke and Danny Crump are now married and have been continually married since the date of Yvette Burke's injury described herein.
3. The Defendant corporations are and were at all relevant times herein corporations duly organized and existing at law and were registered to conduct business in the State of Missouri and in fact conducted business in Clay County, Missouri.
4. Venue is proper in Clay County, Missouri under R.S.Mo. 508.010 since Clay County is where the Plaintiff was first injured by the acts and conduct alleged herein, and jurisdiction is proper in Clay County.
5. Defendants either individually, or collectively, at all relevant times were in possession of a premises in Clay County, Missouri known as Walmart Store #234 at 8301 N. Church Road, Kansas City, MO 64158 and at this location Defendants operated a retail store.
6. On or about September 29, 2013, Plaintiff Yvette Crump ("Yvette" or "Plaintiff") fell when she stepped on a slick substance in the floor. Yvette was walking behind a Walmart employee who either spilled the substance on the floor or walked through the spilled substance and Plaintiff's fall was witnessed by Walmart employees who immediately investigated the fall, questioned Plaintiff about the fall, cleaned the substance from the floor and requested that an ambulance come to the scene to transport Plaintiff to the hospital.
7. Plaintiff entered into an attorney fee agreement with prior law firms, and not the law firm currently representing the Plaintiff (hereinafter collectively called "Prior Attorneys") on October 9, 2013, shortly after the accident.

8. The Prior Attorneys negotiated with Walmart, furnished medical records and bills to Walmart and attempted to negotiate the settlement of Plaintiff's claim including exchange of settlement offers. Walmart participated in the negotiations, claiming that they were representing the interests of "Wal-Mart Stores, Inc."

9. Settlement discussions failed and on or about September 24, 2018, four days before the running of the statute of limitations, the Prior Attorneys filed a lawsuit in the Circuit Court of Clay County, Missouri against "Wal-Mart Stores East, Inc. d/b/a Wal-Mart Supercenter #234", in a case styled Yvette Burke v. Wal-Mart Stores East, Inc. d/b/a Wal-Mart Supercenter #234, Clay County Case No. 18CY-CV09648.

10. On January 9, 2002, Defendants filed a registration of fictitious name for the business entity Walmart Store #234 showing that said store was being operated by "Walmart Stores East, LP." On July 22, 2009 the Defendants canceled this fictitious name registration. On May 12, 2011, Defendants filed a registration of fictitious name for the business entity Walmart #234 showing that said store was being operated by "Wal-Mart Stores East I, LP." On May 27, 2016, Defendants filed a registration of fictitious name for the business entity Walmart #234 showing that said store was being operated by "Wal-Mart Stores East I, LP."

11. The records of the Missouri Secretary of State now, and at the time the suit was filed, disclosed that "Walmart Stores East, Inc." filed an Application for Certificate of Withdrawal of Foreign Corporation on June 11, 2013 and on June 18, 2013 the Missouri Secretary of State issued a Certificate of Withdrawal for said corporation.

12. The Prior Attorneys requested summons and summonses were issued for service by registered mail on Defendants "Walmart Stores East LP, DBA Walmart Supercenter #234" and on "Walmart Stores East, I LP DBA Walmart Supercenter #234" and "Walmart Stores East, LP

DBA Walmart Supercenter #234". The records of the Court do not disclose whether these summonses were served; however, Defendants received notice of the institution of the lawsuit.

13. On or about April 24, 2019, the Prior Attorneys filed a "Dismissal Without Prejudice" pursuant to Missouri Rule 67.02 and informed Plaintiff that she had one year to refile her lawsuit.

14. Plaintiffs file this lawsuit within one year of the dismissal. This pleading is an amended pleading arising out of the conduct or occurrence set forth or attempted to be set forth in the original pleading in the action filed in Clay County on or about September 25, 2018 and the amendment, pursuant to Missouri Rule 55.33, relates back to the date of the original pleading, September 25, 2018. Further, as described above, Defendants were fully aware of Plaintiff's fall and injury, immediately investigated the fall, engaged in active settlement negotiations and exchange of information with Prior Attorneys and were fully informed about the existence and detail of Plaintiff's claim. Therefore, this pleading relates back to September 25, 2018 because (1) the Defendants received such notice of the prior action as will not prejudice the party in maintaining the parties defense on the merits and (2) Defendants knew or should have known that but for a mistake concerning the identity of the proper party, the action would have been brought against that party.

15. Because of the confusion attendant to the various and changing registration of fictitious names for Walmart Store #234 and Walmart #234, Plaintiff did not know the name of the entity operating Walmart Store #234 at the time of Plaintiff's injury on September 29, 2013, and, therefore, now name as Defendants all Walmart entities licensed to do business in the State of Missouri at the time of Plaintiff's injury.

16. There was liquid or some other substance of similar quality that caused the floor to be slippery that spilled on the floor that caused Plaintiff's fall and as a result, the floor was dangerous and not reasonably safe.

17. Defendants had a duty to keep the premises in a condition that was reasonably safe and free of dangerous conditions, and knew or should have known of this dangerous and unsafe condition, or created the dangerous and unsafe condition, and failed to use ordinary care to remove the spill, barricade the area, or warn of the dangerous and unsafe condition.

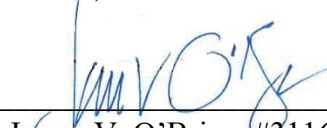
18. As a direct result of such failure, Plaintiff Yvette Burke was caused to suffer and sustain severe and disabling injuries and has been and will in the future require medical treatment and has been and will in the future lose time from her work and is now permanently and totally disabled from work, has been and will in the future be caused to refrain from her normal pursuits, and her injuries are permanent and progressive.

19. As a direct result of Defendants' negligence Plaintiff Yvette Burke is unable to participate in many of the normal activities of a marriage and Plaintiff Danny Crump has therefore lost the services and companionship of his wife.

WHEREFORE, Plaintiffs Yvonne Burke and Danny Crump demand judgment against Defendants in an amount that is fair and reasonable to compensate them for their injuries and for such further relief as the court deems proper.

Respectfully submitted,

BUCHANAN, WILLIAMS & O'BRIEN, P.C.

By:   
 James V. O'Brien, #31161  
 Andrew S. Buchanan, #53824  
 Attorney at Law  
 1105 E. 32nd Street, Suite 5  
 Joplin, MO 64804  
 Telephone: 417-781-8280  
 FAX: 417-781-9706  
 Email: [abuchanan@bwoattorneys.com](mailto:abuchanan@bwoattorneys.com)  
[jobrien@bwoattorneys.com](mailto:jobrien@bwoattorneys.com)

ATTORNEY FOR PLAINTIFF

**CONFIDENTIAL CASE FILING INFORMATION SHEET – NON-DOMESTIC RELATIONS****INSTRUCTIONS:**

- ✓ Complete this form for all parties known at the time of filing. Provide the most appropriate Case Type and Party Type codes and descriptions. (Found on the Case Types List and Party Types List at [www.courts.mo.gov](http://www.courts.mo.gov) on the Court Forms/Filing Information page.)
- ✓ If additional space is needed, complete additional Confidential Case Filing Information Sheets.

**NOTE:** The full Social Security Number (SSN) is **required** pursuant to Missouri Supreme Court Operating Rule 4.07 if the party is a person and is reasonably available. This is a confidential document. This information is needed to open a case in the court's case management system. While cases deemed public under Missouri statutes can be accessed through Case.net, the day and month of birth, SSN, and confidential addresses are NOT provided to the public through Case.net.

Filing Date: 1-20-2020 County/City of St. Louis: Clay County

Style of Case: Yvette Burke and Danny Crump v. Wal-Mart Stores East, Inc d/b/a Walmart Supercenter #234, et al.  
(i.e. In the Estate of; In the Matter of; Petitioner v. Respondent.)

Case Type Code: TF Case Type Description: Personal Injury - Other

Party Type Code: <u>PLT</u> Party Type Description: <u>Plaintiff</u>			
Name (if a person): (Last) <u>Burke</u> (First) <u>Yvette</u> (Middle) _____			
Organization (if non-person): _____			
Address: <u>P.O. Box 28875</u>			
City: <u>Kansas City</u>	State: <u>MO</u>	Zip: <u>64188</u>	Contact Telephone Number: <u>816-745-4667</u>
DOB/DOD: <u>08-14-1965</u>		Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	SSN: <u>497-74-2467</u>
Attorney Name (if represented by counsel): <u>Andrew S. Buchanan</u>		Bar ID: <u>53824</u>	Party Type Code: <u>APLT</u>

Party Type Code: <u>PLT</u> Party Type Description: <u>Plaintiff</u>			
Name (if a person): (Last) <u>Crump</u> (First) <u>Danny</u> (Middle) _____			
Organization (if non-person): _____			
Address: <u>P.O. Box 28875</u>			
City: <u>Kansas City</u>	State: <u>MO</u>	Zip: <u>64188</u>	Contact Telephone Number: <u>816-745-4667</u>
DOB/DOD: <u>08-18-1960</u>		Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	SSN: <u>488-74-4093</u>
Attorney Name (if represented by counsel): <u>Andrew S. Buchanan</u>		Bar ID: <u>53824</u>	Party Type Code: <u>APLT</u>

Party Type Code: <u>DFT</u> Party Type Description: <u>Defendant</u>			
Name (if a person): (Last) _____ (First) _____ (Middle) _____			
Organization (if non-person): <u>Wal-Mart Stores East, Inc. d/b/a Walmart Supercenter #234</u>			
Address: <u>c/o Registered Agent: CT Corporation System, 120 South Central Ave.</u>			
City: <u>Clayton</u>	State: <u>MO</u>	Zip: <u>63105</u>	Contact Telephone Number: _____
DOB/DOD: _____		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	SSN: _____
Attorney Name (if represented by counsel): _____		Bar ID: _____	Party Type Code: _____

Submitted by: Andrew S. Buchanan Bar ID (required if attorney): 53824

Address (if not shown above): 1105 E. 32nd St., Ste. 5

City: Joplin State: MO Zip: 64804

Phone: 418-623-8220 Email Address: abuchanan@bwoattorneys.com

\*IMPORTANT: It is the parties' responsibility to keep the court informed of any change of address or employment.\*

Case Number (For Court Use Only) \_\_\_\_\_

**CONFIDENTIAL CASE FILING INFORMATION SHEET – NON-DOMESTIC RELATIONS****INSTRUCTIONS:**

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Filing Date: 1-20-2020 County/City of St. Louis: Clay CountyStyle of Case: Yvette Burke and Danny Crump v. Wal-Mart Stores East, Inc d/b/a Walmart Supercenter #234, et al.  
(i.e. In the Estate of; In the Matter of; Petitioner v. Respondent.)Case Type Code: TF Case Type Description: Personal Injury - Other

Party Type Code: <u>DFT</u> Party Type Description: <u>Defendant</u>	
Name (if a person): (Last) _____ (First) _____ (Middle) _____	
Organization (if non-person): <u>Wal-Mart Stores East I, LP f/k/a Wal-Mart Stores, Inc. d/b/a Walmart Supercenter #234</u>	
Address: <u>c/o Registered Agent: CT Corporation System, 120 South Central Ave.</u>	
City: <u>Clayton</u> State: <u>MO</u> Zip: <u>63105</u> Contact Telephone Number: _____	
DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____	
Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	

Party Type Code: <u>DFT</u> Party Type Description: <u>Defendant</u>	
Name (if a person): (Last) _____ (First) _____ (Middle) _____	
Organization (if non-person): <u>Walmart Inc. d/b/a Walmart Supercenter #234</u>	
Address: <u>c/o Registered Agent: CT Corporation System, 120 South Central Ave.</u>	
City: <u>Clayton</u> State: <u>MO</u> Zip: <u>63105</u> Contact Telephone Number: _____	
DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____	
Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	

Party Type Code: _____ Party Type Description: _____	
Name (if a person): (Last) _____ (First) _____ (Middle) _____	
Organization (if non-person): _____	
Address: _____	
City: _____ State: _____ Zip: _____ Contact Telephone Number: _____	
DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____	
Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	

Submitted by: Andrew S. Buchanan Bar ID (required if attorney): 53824Address (if not shown above): 1105 E. 32nd St., Ste. 5City: Joplin State: MO Zip: 64804Phone: 418-623-8220 Email Address: abuchanan@bwoattorneys.com

\*IMPORTANT: It is the parties' responsibility to keep the court informed of any change of address or employment.\*

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STATE OF MISSOURI

YVETTE BURKE, and ,  
DANNY CRUMP,

Plaintiffs,

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Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

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**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

WAL-MART STORES EAST I, LP  
f/k/a WAL-MART STORES, INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

and

WALMART INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Defendants.



**MOTION FOR A SPECIAL PROCESS SERVER**

COME NOW Plaintiffs Yvette Burke and Danny Crump, by and through their undersigned counsel, and request an order appointing Robert Pedroli, III as a Special Process Server per Supreme Court Rules 54.01 and 54.13 to serve the Petition for Personal Injury and Summons on Defendants Wal-Mart Stores East, Inc. d/b/a Walmart Supercenter #234, c/o Registered Agent, CT Corporation, 120 South Central Avenue, Clayton, MO 63105; Wal-Mart Stores East I, LP f/k/a Wal-Mart Stores, Inc. d/b/a Walmart Supercenter #234, c/o Registered Agent, CT Corporation, 120 South Central Avenue, Clayton, MO 63105; and Walmart Inc. d/b/a Walmart Supercenter #234, c/o Registered Agent, CT Corporation, 120 South Central Avenue, Clayton, MO 63105.

Respectfully submitted,

BUCHANAN, WILLIAMS & O'BRIEN, P.C.

By: /s/ James V. O'Brien  
James V. O'Brien, #31161  
Andrew S. Buchanan, #53824  
Attorney at Law  
1105 E. 32nd Street, Suite 5  
Joplin, MO 64804  
Telephone: 417-781-8280  
FAX: 417-781-9706  
Email: [abuchanan@bwoattorneys.com](mailto:abuchanan@bwoattorneys.com)  
[jobrien@bwoattorneys.com](mailto:jobrien@bwoattorneys.com)

*ATTORNEY FOR PLAINTIFF*

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI  
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YVETTE BURKE, and ,  
DANNY CRUMP,

Plaintiffs,

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**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

WAL-MART STORES EAST I, LP  
f/k/a WAL-MART STORES, INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

and

WALMART INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Defendants.

**ORDER APPOINTING SPECIAL PROCESS SERVER**

For good cause shown, as stated in Plaintiffs' Motion for Special Process Server, it is ordered that Robert Pedroli, III is appointed Special Process Server to Serve the Petition for Personal Injury on Defendants Wal-Mart Stores East, Inc. d/b/a Walmart Supercenter #234, Wal-Mart Stores East I, LP f/k/a Wal-Mart Stores, Inc. d/b/a Walmart Supercenter #234, and Walmart Inc. d/b/a Walmart Supercenter #234, in this cause.

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Date

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JUDGE




# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST INC  
**Alias:**  
**DBA:** WAL-MART SUPERCENTER #234  
**RA CT CORPORATION SYSTEM**  
**120 S CENTRAL AVE**  
**CLAYTON, MO 63105**

**COURT SEAL OF**  
  
**CLAY COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

1/24/2020  
 Date

*Cheryl Thompson*  
 Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_ Signature of Sheriff or Server \_\_\_\_\_

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, LP  
**Alias:**  
**DBA:** WAL-MART SUPERCENTER #234  
**RA:** CT CORPORATION SYSTEM  
 120 SOUTH CENTRAL AVENUE  
 CLAYTON, MO 63105

**COURT SEAL OF**  
  
**CLAY COUNTY**

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1/24/2020  
 Date

*Cheryl Thompson*  
 Clerk

Further Information:

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ (Date) \_\_\_\_\_ (Notary Public)

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, LP  
**Alias:** WAL-MART STORES INC.  
**DBA:** WALMART SUPERCENTER #234

**RA:** CT CORPORATION SYSTEM  
 120 SOUTH CENTRAL AVENUE  
 CLAYTON, MO 63105

**COURT SEAL OF**  
  
 CLAY COUNTY

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

1/24/2020  
 Date

Further Information:

Clerk

**Sheriff's or Server's Return**

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_ Signature of Sheriff or Server \_\_\_\_\_

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

**Sheriff's Fees**

Summons	\$ _____
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Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
<b>Total</b>	\$ _____


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Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
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Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
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## Summons in Civil Case

<b>The State of Missouri to: WALMART, INC.</b> <b>DBA: WALMART SUPERCENTER #234</b> <b>RA: CT CORP. SYSTEM</b> <b>120 SOUTH CENTRAL AVENUE</b> <b>CLAYTON, MO 63105</b>	
 <b>COURT SEAL OF</b> <b>CIRCUIT COURT OF MISSOURI</b> <b>CLAY COUNTY</b>	<p><b>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</b></p> <p>1/24/2020 Date</p> <p>Clerk</p> <p>Further Information:</p>
<p align="center"><b>Sheriff's or Server's Return</b></p> <p><b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____.</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p align="center"><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ (Date) _____ (Notary Public)</p>	
<p><b>Sheriff's Fees</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ _____</p> <p>Supplemental Surcharge \$ 10.00</p> <p>Mileage \$ _____ (_____ miles @ \$._____ per mile)</p> <p><b>Total</b> \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on <b>each</b> Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI  
STATE OF MISSOURI

YVETTE BURKE, and ,  
DANNY CRUMP,

Plaintiffs,

vs

Case No 20cy-CV00825

**JURY TRIAL DEMANDED**

WAL-MART STORES EAST, INC  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT:  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

WAL-MART STORES EAST I, LP  
f/k/a WAL-MART STORES, INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT.  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

and

WALMART INC.  
d/b/a WALMART SUPERCENTER #234,

**SERVE AT:**

REGISTERED AGENT  
CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Defendants



**ORDER APPOINTING SPECIAL PROCESS SERVER**

For good cause shown, as stated in Plaintiffs' Motion for Special Process Server, it is ordered that Robert Pedrol, III is appointed Special Process Server to Serve the Petition for Personal Injury on Defendants Wal-Mart Stores East, Inc d/b/a Walmart Supercenter #234, Wal-Mart Stores East I, LP f/k/a Wal-Mart Stores, Inc. d/b/a Walmart Supercenter #234, and Walmart Inc d/b/a Walmart Supercenter #234, in this cause

Jan 24, 2020  
Date

JUDGE

H. S. Smith  
DC



# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI


1/31  
1:10

Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST INC  
Alias:  
DBA: WAL-MART SUPERCENTER #234

RA CT CORPORATION SYSTEM  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**CLAY COUNTY**

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1/24/2020  
Date

*Cheryl Thompson*  
Clerk

Further Information:

**Sheriff's or Server's Return**

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I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to Bonnie Love (name) Intake Specialist (title).

☐ other \_\_\_\_\_

Served at 120 S. Central (address)  
in County of St. Louis (County/City of St. Louis), MO, on 1-31-20 (date) at 1:10 pm (time).

*Robert Patton*  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: November 29, 2021  
Commission Number: 18097713

*Robert Patton*  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on 1/31/20 (date).

My commission expires: \_\_\_\_\_ Date

*Robert Patton*  
Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Mileage \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI


Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825	1/31 1:10
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144	
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068	
Nature of Suit: CC Pers Injury-Other		

(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, LP  
Alias: WAL-MART STORES INC.  
DBA: WALMART SUPERCENTER #234

**RA: CT CORPORATION SYSTEM**  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**CLAY COUNTY**

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1/24/2020  
Date

Further Information: *Chf Sharpson*

Clerk

**Sheriff's or Server's Return**

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☐ other \_\_\_\_\_

Served at 120 S Central (address)

in County of St Louis (County/City of St. Louis), MO, on 1-31-20 (date) at 1:10 pm (time).

Robert Padgett (Printed Name of Sheriff or Server)

[Signature] (Signature of Sheriff or Server)

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on 1/31/20 (date)

My commission expires: \_\_\_\_\_ (date)

[Signature] (Notary Public)

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.





# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

1/31  
1:10


Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to:** WALMART, INC.  
DBA: WALMART SUPERCENTER #234

RA: CT CORP. SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**CLAY COUNTY**

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Date

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Bonnie Love (name) Intake Specialist (title).

☐ other \_\_\_\_\_.

Served at 120 S. Central (address)

in County of St. Louis (County/City of St. Louis), MO, on 1-31-20 (date) at 1:10 pm (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

CAROLYN DENT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: November 27, 2022  
Commission Number: 18097713

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on 1/31/20 (date).

My commission expires: \_\_\_\_\_ Date

Notary Public

### Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI


1/31  
1:10

Judge or Division: DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner: YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
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Alias:  
DBA: WAL-MART SUPERCENTER #234

RA CT CORPORATION SYSTEM  
120 S CENTRAL AVE  
CLAYTON, MO 63105

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Clerk

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**Total** \$ \_\_\_\_\_

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# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI


1/31  
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Defendant/Respondent: WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

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Alias:  
DBA: WAL-MART SUPERCENTER #234

RA CT CORPORATION SYSTEM  
120 S CENTRAL AVE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
**CLAY COUNTY**

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State of Missouri  
Commissioned for St. Louis County  
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Signature of Sheriff or Server

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Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Mileage \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_

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# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

1/31


1:10

Judge or Division DAVID PAUL CHAMBERLAIN	Case Number: 20CY-CV00825
Plaintiff/Petitioner YVETTE BURKE	Plaintiff's/Petitioner's Attorney/Address JAMES VINCENT O'BRIEN BUCHANAN, WILLIAMS AND OBRIEN 2240 S BRENTWOOD BRENTWOOD, MO 63144
Defendant/Respondent WAL-MART STORES EAST INC DBA: WAL-MART SUPERCENTER #234	Court Address 11 S WATER LIBERTY, MO 64068
Nature of Suit CC Pers Injury-Other	(Date File Stamp)

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DBA: WALMART SUPERCENTER #234

RA. CT CORP. SYSTEM  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

**COURT SEAL OF**  
  
CLAY COUNTY

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☐ other \_\_\_\_\_

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in County of St Louis (County/City of St Louis), MO, on 1-31-20 (date) at 1:10 pm (time)

Robert Palmer  
Printed Name of Sheriff or Server

[Signature]  
Signature of Sheriff or Server

**MUST BE SWORN BEFORE A NOTARY PUBLIC IF NOT SERVED BY AN AUTHORIZED OFFICER:**

CAROLYN DENT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County, Mo  
My Commission Expires November 27, 2022  
Commission Number 18097713

Subscribed and sworn to before me on 1/31/20 (date)  
commission expires \_\_\_\_\_ Date

[Signature]  
Notary Public

**Sheriff's Fees**

Summons S \_\_\_\_\_

Non Est S \_\_\_\_\_

Sheriff's Deputy Salary S \_\_\_\_\_

Supplemental Surcharge S 10.00

Mileage S \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total S \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent For methods of service on all classes of suits see Supreme Court Rule 54

IN THE CIRCUIT COURT OF CLAY COUNTY  
STATE OF MISSOURI

YVETTE BURKE and	)	
DANNY CRUMP,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CASE NO.: 20CY-CV00825
	)	
WAL-MART STORES EAST, INC.	)	
d/b/a WAL-MART SUPERCENTER #234,	)	
WAL-MART STORES EAST I, LP f/k/a	)	
WAL-MART STORES, INC. d/b/a WALMART	)	
SUPERCENTER #234, and WALMART, INC.	)	
d/b/a WALMART SUPERCENTER #234	)	
	)	
Defendant.	)	

AND

YVETTE BURKE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.: 18CY-CV09648
	)	
WAL-MART STORES EAST, INC. d/b/a	)	
WAL-MART SUPERCENTER #234,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO CONSOLIDATE**

COMES NOW Plaintiffs Yvette Burke and Danny Crump, by and through their counsel of record, and hereby file their Motion to Consolidate case No. 20CY-CV00825 with case No. 18CY-CV09648, both pending in the Circuit Court of Clay County, Missouri, and in support thereof, states as follows:

1. Case No. 20CY-CV00825 (the "instant case") was filed on January 20, 2020. The claim in the instant case is for personal injuries sustained by Plaintiff Yvette Burke when she fell



due to a hazardous condition at the Wal-Mart Supercenter #234 in Clay County, Missouri on September 29, 2013.

2. The same incident was also the subject of an earlier case, filed by predecessor counsel on September 24, 2018, Cause No. 18CY-CV09648. In that case, service was never obtained on any Defendant. The case was dismissed without prejudice on April 24, 2019 by predecessor counsel without notice to the Plaintiff Yvette Burke.

3. In Cause No. 18CY-CV09648, Plaintiffs have filed a Motion to Set Aside Dismissal, seeking to reinstate the case, to go ahead and obtain service on the Defendants in the case. There is a question in that case as to whether the proper Defendants were named prior to the expiration of the applicable statute of limitations. Plaintiffs desire to set the Motion to Set Aside Dismissal for a hearing and have proved noticed to the named Defendants by sending copies of the Motion to the Defendants at the addresses they maintain with the Missouri Secretary of State. However, since service of process was never obtained on any Defendant in the case, no attorney ever entered an appearance for the Defendants.

4. In the instant case, service has been obtained upon the Defendants, and it is expected that they will retain attorneys who will enter an appearance.

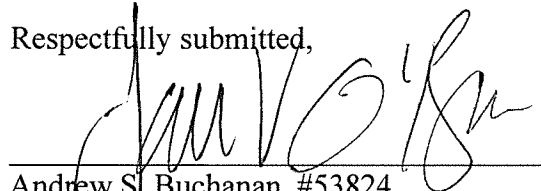
5. Under Supreme Court Rule 66.01(b), when civil actions involving a common question of law or fact are pending before the Court, it may order a joint hearing or trial, or order that all the civil actions be consolidated; and may make such orders concerning proceedings to avoid unnecessary costs or delay.

6. In the matter before the Court, there are overlapping questions of fact and law in the two separate actions, in that both involve the same personal injury. The only difference is that one case was filed before the expiration of the statute of limitations.

7. No party will be prejudiced by the consolidation.

WHEREFORE, Plaintiffs pray that this Court enter an order consolidating the two cases identified herein, and for such other and further relief as the Court deems appropriate in the circumstances.

Respectfully submitted,



Andrew S. Buchanan, #53824  
James V. O'Brien, #31161  
BUCHANAN, WILLIAMS & O'BRIEN, P.C.  
1105 E. 32nd St., Suite 5  
Joplin, MO 64804  
Telephone: 417-623-8220  
FAX: 417-781-9706  
Email: [abuchanan@bwoattorneys.com](mailto:abuchanan@bwoattorneys.com)  
[jobrien@bwoattorneys.com](mailto:jobrien@bwoattorneys.com)

*ATTORNEYS FOR PLAINTIFFS*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid, this 14<sup>th</sup> day of February, 2020 to:

Wal-Mart Stores East LP  
Registered Agent: CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

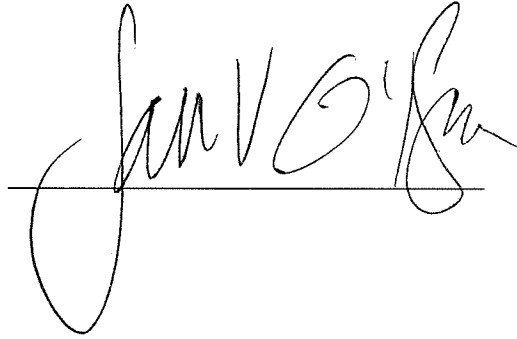
Wal-Mart Stores East, Inc  
D/B/A Walmart Supercenter #234  
Registered Agent: Secretary of State, State of Missouri  
600 West Main  
Jefferson City, MO 65102

And

702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

Wal-Mart Stores East I, LP  
f/k/a Wal-Mart Stores, Inc.  
d/b/a Walmart Supercenter #234  
Registered Agent: CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

Walmart, Inc.  
d/b/a Walmart Supercenter #234  
Registered Agent: CT Corporation System  
120 South Central Avenue  
Clayton, MO 63105

A handwritten signature in black ink, appearing to read "Jan V. G.", is written over a horizontal line. The signature is stylized with large, flowing letters and a long, sweeping underline that extends to the left.